

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JAVIER RAMIREZ,

Petitioner,

v.

SHERRY YATES, et al.,

Respondents.

Civ. No. 14-8075 (KM)

OPINION

KEVIN MCNULTY, U.S.D.J.

Petitioner, Javier Ramirez, is a state prisoner currently incarcerated at the Adult Diagnostic and Treatment Center in Avenel, New Jersey. He is proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Mr. Ramirez has filed an application to proceed *in forma pauperis*. Mr. Ramirez's application to proceed *in forma pauperis* will be denied. His inmate account statement indicates a balance of \$742.42. Thus, Mr. Ramirez can afford the \$5.00 filing fee for this habeas case.

In light of this denial, this case will be administratively terminated. Mr. Ramirez is informed that administrative termination is not a "dismissal" for purposes of the statute of limitations, and that if the case is reopened, it is not subject to the statute of limitations time bar if it was originally filed timely. *See Papotto v. Hartford Life & Acc. Ins. Co.*, 731 F.3d 265, 275 (3d Cir. 2013) (distinguishing administrative terminations from dismissals); *Jenkins v. Superintendent of Laurel Highlands*, 705 F.3d 80, 84 n.2 (3d Cir. 2013) (describing prisoner mailbox rule generally).

Mr. Ramirez shall be given thirty days in which to seek to reopen this case by paying the \$5.00 filing fee. An appropriate order will be entered.

DATED: January 14, 2015


KEVIN MCNULTY
United States District Judge